

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-1077

United States of America,

Appellee,

v.

Ricky Christian Horstman,

Appellant.

*

*

*

*

*

*

*

*

*

Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: July 21, 2010

Filed: July 27, 2010

Before Judges BYE, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Ricky Horstman appeals the sentence the District Court¹ imposed after he pleaded guilty to one count of possession of child pornography. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the court misapplied the Guidelines and imposed an unreasonable sentence. Upon careful review, we grant counsel's motion to withdraw, and we dismiss the appeal based upon an appeal waiver contained in Horstman's plea agreement. See United States v. Andis, 333 F.3d 886, 889–92 (8th Cir.) (en banc)

¹The Honorable Scott O. Wright, United States District Judge for the Western District of Missouri.

(holding that enforcement of an appeal waiver in a plea agreement is appropriate where the appeal falls within the scope of the waiver, the defendant entered into both the plea agreement and the appeal waiver knowingly and voluntarily, and enforcement of the waiver would not result in a miscarriage of justice), cert. denied, 540 U.S. 997 (2003); United States v. Estrada-Bahena, 201 F.3d 1070, 1071 (8th Cir. 2000) (per curiam) (enforcing an appeal waiver in an Anders case).
